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MEMO ENDORSED

March 11, 2008

Honorable Debra Freeman  
United States District Court  
Southern District of New York  
United States Courthouse  
40 Foley Square  
New York, New York 10007-1581

**Re: Báez vs. New York State Office of  
Temporary & Disability Assistance,  
Division of Disability Determinations,  
Richard Sacco  
No. 08 Civ 00907 (SHS) (DF)**

Dear Judge Freeman:

I have your letter of February 15, 2008 (post marked February 26, 2008).

After I filed my complaint with the court, I learned from the Pro Se manual (which I did not have when I prepared my complaint), that; in employment discrimination cases, the named defendant must be identical to the defendant named in the charge to and Notice of Right to Sue letter, issued by the Equal Employment Opportunity Commission. I mentioned Richard Sacco throughout my EEOC charge, but did not name him as a defendant in the charge. So, I understand that, I cannot name him as a defendant in my present complaint. I learned this, before serving my summons. Accordingly, I did not serve my summons / complaint on any party.

I am revising my complaint omitting Richard Sacco as a defendant. And I am also rewriting it, so that it is in chronological order. I intend to serve The New York State Office of Temporary and Disability Assistance, Division of Disability Determinations, shortly and well within the 120 days your letter cited. I am sorry for any inconvenience this may have caused the Court.

Very Truly Yours,

  
Sarah Báez

*If plaintiff wishes to revise her complaint prior to service, she should prepare and file an Amended Complaint, at which time the Court will issue an Amended Summons.*

*The Amended Summons and Amended Complaint should then be served on the named defendant(s).*

SO ORDERED: DATE: 3/12/08

  
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DEBRA FREEMAN  
UNITED STATES MAGISTRATE JUDGE